Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action	Application No. 09/096,939	Applicant(s) KULT ET AL.
	Examiner REXFORD BARNIE	Group Art Unit 2643

THE PERIOD FOR RESPONSE: [check only a) or b)]

a) ☒ expires ___3___ months from the mailing date of the final rejection.

b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on __*Feb 16, 2001*__ has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☐ The proposed amendment(s):

　☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

　☐ will not be entered because:

　　☐ they raise new issues that would require further consideration and/or search. (See note below).

　　☐ they raise the issue of new matter. (See note below).

　　☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

　　☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

　　NOTE: _____
　　_____
　　_____

☐ Applicant's response has overcome the following rejection(s):

_____
_____

☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
the explanation as set forth in the rejection of the claimed subject matter is believed proper and permissible

☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: *none*

Claims objected to: *none*

Claims rejected: *1-20*

☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____.

☐ Other

CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Response to Arguments

1.   Applicant's arguments filed on 02/16/01 have been fully considered but they are not persuasive.

The applicant argued basically the following arguments

(I) The applicant argued that the prior art of record (Sofman) fails to teach APIs (application programming interfaces), storing data in a table format and furthermore, data stored is unrelated to a resource manager, internal operational resources, external components and application processing data.

Fig. 2 of applicant's invention teaches a processor, a resource management means embedded within a memory with an application *program* and secondary storage means. The claim recites that the resource manager comprises *one* or more program interfaces, thus could be *one* *program interface*. Sofman teaches an optimization network system with a data processing system which includes a processor with at least one CPU, a memory and possibly additional memory in the form of a hard/floppy disk and so forth wherein the disk could have a *processing system programming implementation recorded (see column 5 lines 61-col.* Line 2) According to (column 7 lines 21-30), *network management data applications* would be stored on data storage devices within the data processing system which could be a *switch*, PC, minicomputer and so forth (see column 7 lines 21-30). Furthermore, Sofman teaches in (col. 6 lines 12-15) the possibility of having a rehoming optimizer (108), data granulator, network administration and so forth incorporated in the data processing system which could be a switch, general computer and so

forth. Sofman teaches in (column 2) storing information characterizing the current state of network resources including resource availability by means of a data granulator and being able to access resource information such as RCG data, RCG-RCG data, traffic data, distance and so forth from a data granulator. The CPU in conjunction with the various memories makes it possible to control the data processing system which in this case could be a switch and also to be able to interface other external components(see column 6 lines 3-11, lines 22-24). According to (column 5 lines 31-57) a rehome optimizer and network administration, which can be considered as managers, can be used to optimize and configure network resources. Furthermore, RCG (rehome circuit group) can be configured by a service provider (switch) to provide rehome optimization. Thus, Sofman teaching in context of a switch teaches managing an applications data resource.

(II) The applicant argued that the prior art of record (Sofman) fails to teach sending a query to a resource manager and the resource manager complying with a common standard for resource managers.

The examiner disagrees because Sofman teaches that a data granulator *accesses* data information and then uses this data into building a database (see column 4 lines 16-21, lines 43-45) and wherein according to (column 18 lines 25-31) switch data information can be organized in tables.

(III)   The applicant argued that the prior art of record fails to teach a common standard for application programmer interfaces.

The examiner disagrees because Sofman teaches a plurality of applications which enables interaction between components with no mention of protocol converters and for instance in (column 18 lines 29-31, column 8 lines 57-58) using a standard query language in organizing tables

(IV)   The examiner argued that it would not be obvious to combine the prior art of record of record.

The examiner disagrees given the relevance of Taylor in regard to the claimed subject matter for the reason set forth in the rejection of the claimed subject matter.

The combination of Sofman and gottlieb is believed proper and permissible in view of the fact that they are both directed to a method of collecting traffic information to optimize network resources to prevent further calls from being blocked due to resource unavailability.

The combination of Sofman and Reto is believed proper and permissible in view of the fact that Sofman teaches a calling card feature (see column 8 line 46) to provide billing validation and generate billing records.

In summary, the explanation as set forth in the rejection of the claimed subject matter is believed proper and permissible.

CONCLUSION

2.   Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:00p:m

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The **informal/formal fax number** for the group is (703) 308-9051 or 308-9052. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900. **R.B. 03/04/01**

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